

DR. JOAN FALLON

VIA: Facsimile & US Mail

7/25/01

Honorable John D. Dingell
The United States House of Representatives
Washington, D.C. 20515

Dear Representative Dingell:

I want to bring an issue to your attention with respect to the pending legislation regarding the Patient's Bill of Rights. Since it is a recent occurrence, I thought it might be important.

Within in the last eight weeks a patient presented in my office with back pain. She has a Medicare HMO only policy and her primary doctor is her "gatekeeper". Since my services are not covered under her plan, I agreed to see her for the prevailing medicare rate which she would pay out of pocket. In my opinion her condition necessitated that she have an MRI. She had a history of renal carcinoma three years ago and now she presented with bilateral sciatica. All sound medical judgement would have her take an MRI. I sent her back to her primary physician on 3 separate occasions and asked him to send her for an MRI. He refused each time on the grounds that her HMO only allowed for him to send so many MRI's per month, and that in his opinion her back pain was from muscle spasms. Finally after he conceded reluctantly to an X-ray, I wrote a letter and said that the X-ray was of poor quality due to the patient body habitus, and that I demanded that this patient have an MRI. Seven weeks later he granted her the MRI. By that time her cancer had returned and it has now necessitated two major surgeries in this last week.

Having worked as an Advisory Board member at Oxford Health Plans, I have seen both sides of this issue. I understand the complexities, and know that not every patient needs to sue their HMO. However, when extraordinary constraints are placed on the doctors to the extent that the patients health is compromised, there need to be remedies.

Thank you so much for your time and attention!

Sincerely,


Dr. Joan Fallon